



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

SDMS Document



122551

June 12, 2012

BY OVERNIGHT DELIVERY

John L. Neu, Chief Executive Officer  
Hugo Neu Corporation  
120 Fifth Avenue  
Suite 600  
New York, New York 10011

Re: Newtown Creek Superfund Site, Kings County and Queens County, New York  
Request for Information Pursuant to the Comprehensive Environmental Response,  
Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675

Dear Sir:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release and threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 (also known as the "Superfund" law). More information about CERCLA, including a copy of the Superfund law, may be found at [www.epa.gov/superfund](http://www.epa.gov/superfund).

EPA has documented the release and threatened release of hazardous substances into the environment at the Newtown Creek Superfund Site ("Site"). The Site includes a body of water located in Kings County and Queens County in the City of New York and the State of New York. Newtown Creek is a tidal arm of the New York-New Jersey Harbor Estuary that forms the northwestern-most border between the New York City boroughs of Brooklyn and Queens. It is a tributary of the East River and includes Newtown Creek proper and its five branches (or tributaries) which are known, respectively, as Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills, along an approximately 3.8-mile reach. References in this letter to "Newtown Creek" are meant to include Newtown Creek proper and its tributaries. Further information about the Newtown Creek Superfund site is available on EPA Region 2's website at: <http://www.epa.gov/region02/superfund/npl/newtowncreek/>.

In response to the release and threatened release of hazardous substances into the environment at the Site, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

The Site has been listed pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, on the national priorities list of releases and threatened releases of hazardous substances, based upon the relative risk or danger to public health or welfare or the environment, for the purpose of taking action pursuant to CERCLA at such sites. Newtown Creek was listed pursuant to EPA rulemaking by publication in the *Federal Register*, on September 29, 2010. A remedial investigation and feasibility study at the Site is currently being undertaken, under EPA oversight, by a group of potentially responsible parties pursuant to an administrative settlement agreement and order on consent. The remedial investigation focuses on a Study Area which includes the sediments and the waters of Newtown Creek.

Historically, Newtown Creek drained the uplands of western Long Island and flowed through wetlands and marshes. However, due to heavy industrial development and governmental activities dating from the 1800s, formerly wet areas have been filled, Newtown Creek has been channelized, and its banks have been stabilized with bulkheads and rip rap.

The Newtown Creek area of Brooklyn and Queens has a history of extensive industrial development stretching back to the 1800s. By the second half of the nineteenth century, the area surrounding and adjacent to Newtown Creek had become highly industrialized. This development resulted in major reworking of the Creek banks and channel for drainage, municipal discharges, and navigation purposes. Hazardous substances discharged by industrial, municipal, and other sources over the years ended up in the Creek. Currently the predominant land use around Newtown Creek includes industrial, manufacturing, warehousing, transportation, municipal infrastructure, and utility facilities. Residential development is planned for the areas near the mouth of the Creek on both the Brooklyn and Queens sides.

The Site includes contaminated sediments for which there are numerous possible sources. Sampling events have shown the sediments in the Creek to be contaminated with a variety of hazardous substances which traverse almost the entire length of the Creek, and which include a wide variety of metals, pesticides, polycyclic aromatic hydrocarbons, phthalates, polychlorinated biphenyls, and volatile organic contaminants.

As part of its investigation of potential sources of contamination to Newtown Creek, EPA is seeking information regarding entities which operated in the vicinity of Newtown Creek. Hugo Neu Corporation is receiving this letter because EPA believes that the company or affiliated entities, singly or in partnership or joint venture with Schnitzer Steel Industries, Inc. or The Sims Group, or affiliates of those companies, owned or operated a scrap metal facility on a five-acre property adjacent to Newtown Creek proper and to its Dutch Kills tributary in the Borough of Queens, New York, and that hazardous substances from such operations may have been released or discharged into Newtown Creek proper or into its Dutch Kills tributary. Please also note that EPA's investigation of the source of contamination to Newtown Creek is expected to occur in phases. Thus, as EPA obtains information concerning the Site, the Agency may seek further information from your company about its ownership or operation of your company's facilities. By separate letters, EPA is also requesting information from Schnitzer Steel Industries, Inc. and

from Sims Metal Management regarding the relationship of those companies to this same facility.

## **INFORMATION REQUEST**

This letter seeks your cooperation in providing information and documents relating to the Site. We encourage you to give this letter your immediate attention. A complete and truthful response to the attached Request for Information should be submitted to EPA within 45 calendar days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows the Agency to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the enclosed Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

It is possible that some of the information that EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included with the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by the Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information (in hard copy for your response letter and pdf for your response letter and documents and attachments) should be sent to:

Michael A. Mintzer  
Assistant Regional Counsel  
New York/Caribbean Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17th Floor  
New York, NY 10007-1866  
mintzer.michael@epa.gov

with a copy (in pdf only) to:

Caroline Kwan  
Remedial Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 20th Floor  
New York, NY 10007-1866  
kwan.caroline@epa.gov

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, you may call Mr. Mintzer at (212) 637-3168.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,



Nicoletta DiForte  
Senior Enforcement Policy Advisor  
Emergency and Remedial Response Division



## INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

### A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. Please provide one hard copy of your response letter as well as one copy in pdf format (on diskette) of your response letter and documents and attachments to Mr. Mintzer, and one pdf copy (on diskette) to Ms. Kwan.
4. For each document produced in response to this Request for Information, indicate on the document, or in some other clear manner, the question to which it applies.
5. In preparing your response to each question, consult with all present and former employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question pertains.
6. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
8. If you have reason to believe that an individual other than one employed by your Company, as the term is defined below, may be able to provide additional details or documentation in response to any question, identify that person.
9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
10. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
11. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
12. If a response to any question is answered completely by a response to another question, or a request for a document has been addressed by a separate production, you may cross reference the responses so that you do not need to provide a duplicate response or duplicate documents.

13. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b).
14. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:
- a. the portions of the information which are alleged to be entitled to confidential treatment;
  - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
  - c. measures taken by you to guard against the undesired disclosure of the information to others;
  - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
  - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
  - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope. For documents submitted in pdf on diskette, please send separate diskettes for confidential information.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information entitled to confidential treatment will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

## B. Definitions

1. As used herein, the term "Newtown Creek" shall refer to Newtown Creek, and shall include its five branches or tributaries, respectively Dutch Kills, Maspeth Creek, Whale Creek, East Branch, and English Kills.
2. As used herein, the term "Site" shall refer to Newtown Creek and any areas that have been a source of contamination to Newtown Creek, or are places where releases of such contamination to the Newtown Creek have come to be located.
3. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
4. As used herein, the terms "hazardous waste," "disposal," and "storage" shall have the meanings set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5), and (33), respectively.
5. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
  - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
  - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
  - c. it has a pH less than 2.0 or greater than 12.5;
  - d. it reacts violently when mixed with water;
  - e. it generates toxic gases when mixed with water;
  - f. it easily ignites or explodes;
  - g. it is an industrial waste product;
  - h. it is an industrial treatment plant sludge or supernatant;
  - i. it is an industrial byproduct having some market value;
  - j. it is coolant water or blowdown waste from a coolant system;
  - k. it is a spent product which could be reused after rehabilitation; or
  - l. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.
6. As used herein, the term "release" shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

7. As used herein, the term "Company" refers to the addressee of this letter and to Sims Group, Ltd and the current and past constituent and affiliated entities of either that may have owned, controlled, leased or operated or had rights to operate at the Facility.
8. As used herein, the term "affiliate" or "affiliated" refers to all entities now or formerly controlling, controlled by or in common control with the Company, and whether currently in existence or no longer in existence.
9. As used herein, the terms:
  - a. "Facility" shall mean the facility located at 30-27 Greenpoint Avenue, Long Island City, New York (Borough of Queens, Block 294, Lot 360) together with the structures, infrastructure and other improvements located thereon; and
  - b. "Other Newtown Creek Property(ies)" shall mean all other properties or facilities, if any, now or formerly owned or operated by the Company within the area extending one-thousand feet from the shoreline of Newtown Creek (including each branch or tributary of Newtown Creek).
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position, or business.
11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, business trust, etc.), a brief description of its business and its ultimate parent corporation.
12. Other defined terms:
  - a. As used herein, the term "Facility Plan" means a diagram of the Facility.
  - b. As used herein, the term "MSDS" means Material Safety Data Sheet.
13. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA or in their implementing regulations, in which case the statutory or regulatory definitions apply.



## REQUEST FOR INFORMATION

### Section 1.0 Company Information

1. Company Identification: Provide the following information with respect to the Company.
  - a. The full legal, corporate name and mailing address.
  - b. The state and date of incorporation of the Company, the date of qualification to do business in the State of New York and the Company's agents for service of process in the state of incorporation and the State of New York.
  - c. The identity of the Chief Executive Officer or other presiding officer of the Company.
  - d. If the Company is a successor to any other entity by merger, asset or stock acquisition, change of name or other activity, identify each predecessor and identify the nature of the succession.
  - e. If the Company is a subsidiary or division of another entity, identify each parent entity and date, country and state of incorporation or organization and date of qualification to do business in New York State and that entity's agents for service of process in the country or state of incorporation and the State of New York.
2. Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.

### Section 2.0 Company Owner/Operator Information of the Facility

3. Company's Relationship to the Facility. Identify the Company's relationship to the Facility (see Definition number 9.a for "Facility"), including:
  - a. The Company's ownership and operational interest in the Facility including the corporate identity of any entity affiliated with the Company that holds or held such interest.
  - b. If the Company (or an affiliate of the Company) was the owner of the Facility, identify all acquisitions, dispositions or other transfers of the property, the dates and purposes of all such transfers and the identity and relationship, if any, between the Company and the transferor and transferee. If the Company was not the owner, identify the owner and the instrument by which the Company had the right to operate at the Facility.
  - c. Dates of the Company's operation at the Facility.
  - d. The principal business and each other line of business conducted by the Company at the Facility.
  - e. Identify all entities (e.g., joint venture partners, lessees, licensees) which concurrently with the Company exercised actual control or who held significant

- authority to control activities at the Facility.
- f. Provide a copy of all deeds and memoranda of lease evidencing all acquisitions, dispositions or other transfers or leases, of the Facility.
4. Identify the Company's relationship, if any, to the following entities, and the interest of each such entity at the Facility. Please provide corporate documentation including certificates of organization, certificates of merger, partnership or joint venture agreements, acquisition agreements, etc. as they relate to the relationship of the Company to the entity and to the Facility:
- i. Schnitzer Steel Industries, Inc. and affiliated entities.
  - ii. Hugo Neu Corporation and affiliated entities.
  - iii. Hugo Neu Schnitzer East.
  - iv. Higo Neu Schnitzer East.
  - v. Sims Hugo Neu.
  - vi. Please identify those entities affiliated with the Sims family of entities that have or had a relationship to the Hugo Neu companies or to the Facility and identify their corporate status and their role in the Sims corporate structure.
5. Other Newtown Creek Properties. Please identify each Other Newtown Creek Property (see Definition number 9.b for "Other Newtown Creek Property"), if any, including:
- a. Nature of the Company's interest in each Other Newtown Creek Property.
  - b. Corporate identity of any entity affiliated with the Company that holds or held such interest.
  - c. Address, Borough, Block and Tax Lot Identification of each Other Newtown Creek Property.
  - d. Map or schematic locating each Other Newtown Creek Property.
  - e. Dates of acquisition and date of disposition of interest and dates of the Company's operations at each Other Newtown Creek Property.
  - f. The principal business and each other line of business conducted by the Company at each Other Newtown Creek Property.
  - g. Provide a copy of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, licenses, purchase and sale agreements, joint venture or partnership agreements, etc.).
6. Facility Plan and Other Photographs, Maps, Drawings, ad Surveys.
- a. Provide a diagram or depiction of the Facility at the time that it was owned or operated by the Company ("Facility Plan")
  - b. Provide a copy of photographs, surveys, Sanborn maps, etc. in the Company's possession showing the location and configurations of buildings, improvements and infrastructure, including:
    - i. storm sewers;

- ii. solid waste management units;
- iii. above-ground structures and infrastructure including buildings, tanks, spill containment facilities;
- iv. storm water management systems;
- v. over-water or in-water facilities (e.g., piers, docks, cranes, bulkheads, pipes, treatment facilities, etc.); and
- vi. discharge facilities including pipes, ditches or other conveyance features and outfalls to Newtown Creek at any time during the Company's operation of the Facility.

7. Ownership of Newtown Creek: At the present time or at any past time, has the Company or any affiliate:

- a. Owned any portion of Newtown Creek or wetlands associated with Newtown Creek?
- b. Asserted control over or exclusive rights to use any area of Newtown Creek or wetlands associated with Newtown Creek, for any purpose including, without limitation, dredging, filling, construction, maintenance or repair of any facility located in the waters, the associated wetlands or sediments, including, by way of example, bulkheads, rip rap, pipes, wharfs, piers, docking, loading or unloading facilities, cranes or other over-water facilities?

If the answer to either subparagraph "a" or "b" of this paragraph is yes, please identify the areas owned or controlled, or over which the Company has or had a right to use, provide an explanation of how and from whom the Company acquired such ownership or control, provide a copy of all title documents, leases, permits or other instruments where such right was derived, and describe all activities conducted pursuant thereto.

8. Operations In Newtown Creek:

- a. Identify and show on the Facility Plan all current and previous Company outfalls or discharge points from the Facility into Newtown Creek, including location, identification, characteristics and source of effluent, and associated permits.
- b. Describe all activities at the Facility that were conducted over, on, under, or adjacent to, Newtown Creek. Include in your description whether the activity involved hazardous substances, industrial waste, petroleum, or recyclable material and whether any materials were ever discharged, spilled, disposed of, dropped, or otherwise came to be located in Newtown Creek.
- c. Has the Company, or any affiliate, joint venture or partner, at any time, constructed or operated any facility in or over the waters or on the sediments of Newtown Creek, including any bulkheads, rip-rap, pipes, wharfs, piers, docking, loading or unloading facilities, containment booms, cranes or other on-water or over-water facilities?
- d. Has the Company, or any affiliate, joint venture or partner at any time constructed, operated or utilized any facility under the waters or sediments of

Newtown Creek, including without limitation pipes, pipelines, or other underwater or under sediment facilities?

- e. If the answer to subparagraph "b" or "c" of this paragraph is yes, please provide details including:
  - i. the facilities constructed or operated, the dates of such construction, replacement or major modification, whether there were discharges into the waters of Newtown Creek associated with construction or maintenance of such facilities, and all permits associated with the construction or operation; and
  - ii. the source of the Company's authorization to construct or maintain such facilities in Newtown Creek including identification of the operating document (deed, lease, easement, license, permit, etc.) and the identity of the grantor, and provide copies of the relevant deeds, leases, licenses and permits.
- f. Provide a summary of over-water activities conducted at the Facility, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, cleaning, maintenance, or repair.

9. Fill. With regard to the placement of fill at the Facility:

- a. Was any fill placed on the Facility property during the initial development or subsequent redevelopment of the Facility? If so, show on the Facility Plan all areas where fill was placed, and identify the lateral extent of the fill and the depth of the fill, the purpose of the placement, and the source and amount of the fill in each area. State whether the fill has ever been characterized, either before placement or thereafter and, if so, provide a copy of the sampling/characterization results.
- b. Were any portions of the Facility historically part of Newtown Creek or did the Facility formerly include any marshlands or wetlands associated with Newtown Creek? Please depict any such wet areas on the Facility Plan. Please provide your understanding of who filled any such wet areas, the approximate date of such fill, and the lateral extent and depth of such fill, the source of the fill material, the composition of the fill and, if any sampling has ever been conducted in such filled areas, provide a copy of the sampling results.

10. Vessels. Has the Company utilized barges, tankers or other vessels in any operations on Newtown Creek? With respect to vessel operations, identify the owner of the vessels and the products and raw materials transferred to or from vessels. Provide a copy of permits relating to such activities as well as Company manuals addressing spill prevention methodologies and all reports pursuant to 33 CFR Part 155 or predecessor regulations. Describe how procedures changed over the years to limit or prevent metal debris and auto shredder residue from discharging to Newtown Creek. Please identify each instance of a sinking, collision, fire or other casualty to a vessel loaded with Company scrap, including the date of each such instance, the vessel owner, the location in Newtown Creek of the

occurrence, and the nature and quantity of scrap material on the vessel at the time of the occurrence. Please provide a copy of each report in the Company's possession and each correspondence or communication with a governmental body related to each such instance.

11. Data and Reports. Provide a copy of all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Facility. Provide copies of all documents containing such data and information, and analysis or interpretation of such data.
12. Solid Waste Management Units. Identify all solid waste management units or areas (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, drainage ditches, tanks, drums, container storage areas, etc.) now or formerly at the Facility during the period of the Company's ownership or operation. For each such unit or area, provide the following information, if available:
  - a. the type of unit/area (e.g., storage area, landfill, waste pile, etc.), dimensions and dates of use of the unit/area;
  - b. the purpose and past usage (e.g., storage, spill, containment, etc.);
  - c. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area;
  - d. the volume, size and construction (materials, composition) of each unit/area; and
  - e. if the unit/area described above was closed by the Company, explain how such unit/area was closed and provide relevant documentation.
13. Pipes, Drains, Sheet flow, Etc. Identify each pipe, ditch or other conveyance, including sheet flow ("conveyance") that currently drains or formerly drained the Facility during the period of the Company's ownership or operation. State whether such conveyance discharged to Newtown Creek or to another conduit or discharge location. Include in your response:
  - a. The type (pipe, ditch, sheet flow) of conveyance.
  - b. The location of each conveyance at each Facility.
  - c. The source of effluent (whether at the Facility or from an upland source) and, if an upland source, the identity of upland facilities.
  - d. The characteristics of the effluent.
  - e. Copies of all permits associated with such discharge including all SPEDES permits .
14. Facility Drainage Studies. Provide copies of any storm water or drainage studies for the Facility, including each storm water pollution prevention plan prepared by or for the Company. Provide a copy of all data from sampling conducted for the Facility on storm water, sheet flow, or surface water runoff.

15. Connections to New York City sewer system:

- a. State whether the Facility was connected to the New York City sewer during the Company's ownership or operation and the date that the Facility was first connected.
- b. State whether the Facility ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges.
- c. State whether the Facility participated in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, and whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to use of the New York City sewer system.
- d. Provide copies of all permits and permit applications for New York City Industrial Wastewater discharge permits.
- e. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system.
- f. Provide copies of any Baseline Monitoring Reports submitted to New York City in connection with the Company's application for an industrial wastewater discharge permit.
- g. Provide copies of all surveys, reports or analyses delineating or characterizing the Company's liquid wastes.

**Section 3.0 Company's Operational Activities**

16. Company's Business Operations. Describe the Company's operations or business activities at the Facility. If the products, processes, operation, or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased. Also, please provide the following:

- a. Identify and describe the principal business operations conducted at the Facility and all other business activities conducted at each Facility. If dismantling, shredding and separation occurred at the Facility, describe such operations.
- b. Provide schematic diagrams in the Company's possession illustrating the Company's operations at the Facility.
- c. Identify where Company stored feedstock, shredded metals and auto shredder residue at the Facility from the Company's initial operations at the Facility until the time of final operations.
- d. Identify hazardous substances present in shredded metals and auto shredder residue received or stored at the Facility and provide copies of Company data characterizing such materials at all periods of operation of the Facility.
- e. Copies of Material Safety Data Sheets ("MSDSs") for raw materials used and products produced in the Company's operations at the Facility.

17. Cleaning of Machinery, Tank and Equipment. Identify machinery, equipment and tank cleaning procedures, chemicals and other materials used in cleaning operations, and management of bottoms and other wastes resulting from cleaning operations.
18. Materials Used, Produced and Generated at the Facility. Identify the metals feedstock received from time to time at the Facility, including automobiles, white good, demolition materials or other and the output generated from the feedstock.
  - a. From the date of the Company's initial operations, identify whether the feedstock contained PCBs and, if so, the amount of PCBs generated each year from shredding operations and how the PCBs were collected and handled.
  - b. From the date of the Company's initial operations at the Facility, identify the volume of auto shredder residue generated each year and how the auto shredder residue was stored and managed at the Facility.
  - c. Identify all waste streams generated at the Facility from the date of the Company's initial operations at the Facility and how those waste streams were stored, managed and disposed of.
  - d. Describe what the Company did with the hazardous wastes, hazardous substances, and industrial wastes that it used, stored, generated, or otherwise handled at the Facility after it was finished with them? For each disposal location and method, state the nature and quantity of the material disposed on an annual basis.
19. Oil/Water Separators. Identify all oil/water separators at the Facility during the Company's ownership or operation including dates of installation, dates of replacement or major modification, purpose of installation and source of influent, and location of discharge. Provide a copy of each permit and permit application, influent and effluent sampling results and copies of all submissions to federal, state, city or county environmental agencies or public health agencies relating to oil/water separators.
20. Storage Tanks. Identify each fixed above-ground storage tank and each fixed below-ground storage tank that is or was situated on the Facility during the Company's ownership or operation. Provide a copy of all permits relating to the tank and provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, addressing use and maintenance of such tanks. For each tank, identify:
  - a. Date of installation and dates and nature of major modifications.
  - b. Dates of installation and nature of spill detection equipment.
  - c. Dates of installation and nature of cathodic protection equipment.
  - d. Description or drawing of each such tank.
  - e. The identity of contents that have been stored in any such tank both before (if known) or during the Company's ownership or operation.
  - f. Tank cleaning practices.
  - g. Manner of ultimate disposal of wastes from the tank.
  - h. All spills that occurred during the Company's ownership of the Facility.

- i. Copies of reports or manuals in the Company's possession relating to the storage tanks and the foregoing questions.
21. Storage and Combustion of Coal. Did the Company store or combust coal at the Facility during the time of its ownership or operation? If your answer is yes, please provide the following information for all periods of time that the Company operated at or owned the Facility:
- a. The purpose for which coal was present at the Facility.
  - b. The annual volume and type or types of coal (i.e. bituminous, anthracite, etc.) handled at the Facility.
  - c. The location and manner of coal storage at the Facility
  - d. Identify all coal storage, shipment and transfer and process locations on the Facility Plan.
22. Identify and depict on the Facility Plan, each pipeline serving the Facility that is or was situated on the Facility property (either above- or below-ground) during the Company's ownership or operation.

#### **Section 4.0 Civil Litigation, Administrative Enforcement and Criminal Matters**

23. Civil Litigation, Administrative Enforcement and Criminal Matters:

- a. Has the Company been a party to any litigation or involved in any other claim where an allegation by or against the Company included environmental contamination of Newtown Creek or contamination of any upland property located within 1,000 feet of Newtown Creek (whether the claim was based on the Company's alleged ownership, operation, transporter status, or arranger relationship to the upland property or some other basis)? If yes, identify such litigation or claim, briefly describe the allegation by or against the Company, the status of the litigation or claim, and provide a copy of the pleadings and any settlement agreement or court order.
- b. Has the Company or an affiliate been identified by EPA or by any New York State or New York City agency as a party responsible for environmental contamination at or from the Facility or at or from any other upland facility located within 1,000 feet of Newtown Creek (whether the claim was based on the Company's alleged ownership, operation, transporter status, or arranger relationship to the Facility or to the other upland property or some other basis)? If yes, state the Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.
- c. Has the Company or an employee, affiliate, contractor or agent ever been accused of any criminal violation relating to illegal disposal or any other environmental matter in connection with any activity or operation at the Facility? If so, describe the disposition of such accusation and provide details on such accusation.



24. Identification of Other Entities that may have Released or Discharged Hazardous Substances to Newtown Creek. Does the Company have additional information or documents which may help EPA identify other companies, governmental entities or individuals who may be responsible for the discharge or release of hazardous substances into Newtown Creek whether as owner or operator of a facility involved in such release or discharge or as person who may have arranged for such disposal or otherwise? If so, please identify such facilities and provide any such information and documents relevant to such discharge or release.

## **Section 5.0 Facility Releases, Investigations and Remediation**

25. Releases at or from the Facility. Has the Company or the Company's contractors, lessees, tenants, or agents ever provided notice to or made a report to any EPA or any New York State or New York City agency concerning a spill or release involving the Facility or involving Newtown Creek? If so, describe each spill or release and provide copies of all communications between the Company and federal, state or local regulatory agency.
26. Soil Removal Actions. Has any contaminated soil ever been excavated or removed from the Facility during the period of the Company's ownership or operation? If yes, identify the reason for such soil action, the dates of such action, the location at the Facility and whether the soil removal was performed under the oversight of EPA, New York State Department of Environmental Conservation ("NYSDEC") or New York City Department of Environmental Protection ("NYCDEP") or any other regulatory agency. Provide copies of all reports containing a description of the soil excavation and all data and analyses and copies of any orders or agreements with any regulatory agencies that required or oversaw the work.
27. Groundwater Action. Has groundwater at the Facility ever been treated, pumped, or been subject to any kind of response action during the period of the Company's ownership or operation? If yes, identify the reason for such groundwater action, the dates of such action, the location at the Facility, and whether the groundwater action was performed under the oversight of EPA, NYSDEC, NYSDEP or any other regulatory agency. Provide copies of all reports containing a description of the groundwater action and all data and analyses, and copies of any orders or agreements with any regulatory agencies that required or oversaw the work.
28. Releases into Subsurface units. Was there ever a spill, leak, release or discharge of waste, or process residue, including hazardous substances, pollutants, contaminants, industrial waste, or petroleum, into any subsurface disposal system or floor drain inside or under a building situated at the Facility? If yes, provide details of each event and any communication with any federal, state or city regulatory body.

29. Releases to Newtown Creek. Was there ever a spill, leak, release or discharge of a hazardous substance, industrial waste, petroleum or other material into Newtown Creek from the Facility or from any equipment, structure, or activity occurring on, over, or adjacent to Newtown Creek? If yes, identify such release and provide copies of any documents regarding the nature of the material released, the dates of each such occurrence, the amount and location of such release, and whether there was any action to treat or recover any materials that were the subject of the release. Provide copies of all reports containing a description of the release and all data and analyses, and copies of any orders or agreements with any regulatory agencies that required or oversaw the work.
30. Environmental Investigations at the Facility. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, hydrology, or air quality on or about the Facility. Provide copies of all data, reports, and other documents that were generated by the Company or by its contractor or consultant, or by a federal or state regulatory agency related to the investigations that are described.
31. Phase I, Phase II and Other Environmental Investigations. Please provide copies of all environmental investigation reports in the Company's possession relating to the Facility.

#### **Section 6.0 Regulatory Information**

32. Regulatory Agencies with Jurisdiction Over the Facility. Identify each federal, state and local authority that regulates environmental concerns relating to the ownership or operation at the Facility, the contact point at such agency, the activity regulated and the applicable federal, state and local statute or regulation from which such regulatory authority was derived.
33. Notices of Violation. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Facility related to environmental concerns. Provide copies of all documents associated with each occurrence described.
34. Environmental Permits. Provide a list of all local, state and federal environmental permits which have been applied for or issued to the Company with respect to the Facility for any media or activity, including, without limitation, State Pollutant Discharge Elimination System, New York City Sewer system, excavation and fill in navigable waters, dredging, tidal wetlands, air, solid waste or hazardous waste, treatment, storage, or disposal activities, etc. under any environmental statute or regulation. Please show the dates of issuance of each permit and provide a copy of each federal or state permit and the applications for each permit.

#### **Section 7.0 Compliance with this Request and Financial Information**

35. Persons and Source Materials Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all source materials that the Company reviewed in responding to this request, including, but not limited to, the names of persons consulted, the contact information for such persons, and if those persons are current or former employees, the job title and responsibilities for such persons and the dates of employment, and identify which questions those persons were consulted about.
36. Persons Having Responsibility for Environmental Matters at the Facility. Identify all individuals who currently have and those who previously had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's wastes). Also provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning the Company's waste management.
37. Financial Information: Provide a copy of the Company's certified annual financial statements for each of the most recent three years available.
38. Insurance and Indemnification:
- a. Provide a schedule of liability insurance policies that may provide coverage to the Company for environmental liability associated with Newtown Creek.
  - b. Identify each entity that may have a duty to indemnify the Company for any potential environmental liability in connection with Newtown Creek, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to so indemnify the Company.
  - c. Identify each entity that the Company has agreed to indemnify for any potential environmental liability in connection with Newtown Creek, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to so indemnify by the Company.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION  
NEWTOWN CREEK SUPERFUND SITE

State of \_\_\_\_\_:

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
COMPANY NAME

\_\_\_\_\_  
SIGNATURE

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

[STAMP OR SEAL]